

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

ALEXIS MELCHOR-GUZMAN,

Petitioner,

v.

ISRAEL JACQUEZ,

Respondent.

Case No. 3:24-cv-00262-JE

ORDER ADOPTING F&R

Alexis Melchor-Guzman, 78933-097, FCI Sheridan, P.O. Box 5000, Sheridan, OR 97378. Pro se.

Natalie K. Wight, United States Attorney, District of Oregon, and Michael J. Jeter, Assistant United States Attorney, 1000 SW Third Avenue, Suite 600, Portland, OR 97204-2936. Attorneys for Respondent.

IMMERGUT, District Judge.

On February 8, 2024, Petitioner Alexis Melchor-Guzman filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, ECF 1. On April 29, 2024, Respondent filed its Response requesting that this Court deny the Petition and dismiss the case, ECF 7. Petitioner did not file a supporting memorandum. On August 5, 2024, Magistrate Judge Jelderks issued his Findings and Recommendation (“F&R”), ECF 9. The F&R recommends that this Court deny the

Petition, dismiss this case with prejudice, and decline to issue a certificate of appealability. No party filed objections.

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge Jelderks’s conclusions. This Court agrees with Judge Jelderks that Petitioner has not made “a substantial showing of the denial of a constitutional right,” 28 U.S.C. § 2253(c)(2), and therefore declines to issue a certificate of appealability.

Judge Jelderks’s F&R, ECF 9, is adopted in full. This Court DENIES the Petition, ECF 1, DENIES a certificate of appealability, and DISMISSES this case with prejudice.

IT IS SO ORDERED.

DATED this 4th day of October, 2024.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge